AMENDED IN ASSEMBLY JUNE 20, 2005

AMENDED IN SENATE MAY 25, 2005

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE APRIL 14, 2005

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL No. 1067

Introduced by Senator Kehoe

February 22, 2005

An act to add Article 5.5 (commencing with Section 116490) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1067, as amended, Kehoe. Drinking water.

Existing law, the Calderon-Sher Safe Drinking Water Act of 1996, requires the State Department of Health Services to adopt regulations covering water testing, the monitoring of contaminants, the frequency and method of sampling and testing, the reporting of results, and other matters as may be necessary to determine and assure the quality of domestic water supplies. Existing law requires the Office of Environmental Health Hazard Assessment to perform a risk assessment and, based upon that risk assessment, to adopt a public health goal for contaminants in drinking water based exclusively on public health.

This bill would require the office, by January 1, 2007, to adopt a public health goal for total trihalomethanes and by January 1, 2008, for total haloacetic acids, and would require the department to adopt regulations to ensure that any public water system that has levels of

total trihalomethanes or total haloacetic acids that pose a potential risk to public health notifies its customers of the public health risks, including any risks to pregnant women, from the contaminant and would set forth specific notices to be included in the consumer confidence report if public water systems exceed the maximum contamination levels for those contaminants.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 5.5 (commencing with Section 116490) is added to Chapter 4 of Part 12 of Division 104 of the Health and Safety Code, to read:

Article 5.5. Disinfection Byproduct Risk Reduction and Public Disclosure

116490. The Legislature finds and declares all of the following:

(a) Scientific studies have linked disinfectant byproducts including trihalomethanes and haloacetic acids to increased risk of cancer.

(b) Several investigations have found that chlorination byproducts may be linked to heart, lung, kidney, liver, and central nervous system damage. Other studies have linked trihalomethanes and haloacetic acids to reproductive problems, including miscarriage.

116491. (a) By January 1, 2007, the Office of Environmental Health Hazard Assessment shall adopt a public health goal for total trihalomethanes (TTHMs) using the criteria established pursuant to Section 116365. This public health goal shall ~~specify a peak level rather than average levels for TTHMs that will ensure maximum protection of pregnant women from miscarriage or other potential reproductive effects.~~*, consistent with the procedures outlined in Section 116365, define a specific, rather than averaged, level for TTHMs that reflects the special vulnerability of pregnant women and their fetuses to significant excursions of these contaminants.*

(b) By January 1, 2008, the Office of Environmental Health Hazard Assessment shall adopt a public health goal for total haloacetic acids (HAA5) using the criteria established pursuant to Section 116365. This public health goal shall ~~specify a peak level rather than average levels for HAA5 that will ensure maximum protection of pregnant women from miscarriage or other potential reproductive effects.~~ *consistent with the procedures outlined in Section 116365, define a specific, rather than averaged, level for HAA5 that reflects the special vulnerability of pregnant women and their fetuses to significant excursions of these contaminants.*

(c) By January 1, 2007, the department shall adopt regulations to ensure that any public water system that has levels of TTHMs that pose a potential risk to public health notifies its customers of the public health risks, including any risks to pregnant women, from the contaminant. The notification required under this section shall be included in the annual consumer confidence report issued by the public water system.

(d) By January 1, 2008, the department shall adopt regulations to ensure that any public water system that has levels of total haloacetic acids (HAA5) that pose a potential risk to public health notifies its customers of the public health risks, including any risks to pregnant women from the contaminant. The notification required under this subdivision shall be included in the annual consumer confidence report issued by the public water system.

(e) A public water system that has one or more detections of TTHMs at a peak, rather than average, level above the maximum contaminant level shall include the following notice in its next consumer confidence report:

"Some people who drink water containing total trihalomethanes (TTHMs) at levels in excess of the maximum contaminant level over many years, may experience problems with their liver, kidneys, or central nervous system, and may have increased risk of cancer. Pregnant women should know that some studies have found a possible link between miscarriage, certain birth defects, low-birth weight or stillbirths, and drinking water with high levels of these chemicals."

(f) A public water system that has one or more detections of HAA5 at a peak, rather than average, level above the maximum

contaminant level shall include the following notice in its next consumer confidence report:

"Some people who drink water containing total haloacetic acids (HAA5) at levels in excess of the maximum contaminant level over many years, may experience problems with their liver or kidneys, and may have an increased risk of cancer. Pregnant women should know that some studies have found a possible link between miscarriages, certain birth defects, low-birth weight or stillbirths, and reproductive and fetal developmental problems, and drinking water with high levels of those chemicals."

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